IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.2229 of 2006.
IN
FIRST APPEAL NO. 971 OF 2006.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri S.B.Deshmukh for the Applicants.

Shri G.S.Gobdole for the Respondents Nos.11 to 19.

CORAM : ABHAY S.OKA, J.

DATED : 26th July, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Applicants and the learned Advocate for Respondents Nos.11 to 19.

2. The suit filed by the Applicants for partition and separation possession has been dismissed by the trial Court. A sum of Rs.1,22,307/- was deposited by the original Defendants Nos.1 to 9 in the trial Court which according to the said Defendants represented the value of the share of the Appellants. While dismissing the suit filed by the Applicants, the trial Court has permitted the concerned Defendants to withdraw the said amount. This direction in the decree cannot be stayed as the Applicants have

failed in the suit. Hence prayer (A) cannot be granted. So far as prayer (B) is concerned, it is an admitted position that during the pendency of the suit such an injunction was granted and the same was vacated later on. Hence injunction as prayed for in prayer (B) cannot be granted. There is no merit in the application and the same is rejected.

Judge.